

RULE 1158

Storage, Handling, And Transport Of Petroleum Coke

(a) Summary

The purpose of this rule is to reduce the potential of a public nuisance being generated by the emissions of airborne particulates from the storage, handling, and transport of petroleum coke. The rule will prohibit the open storage of petroleum coke after January 1, 1985, unless the operators can demonstrate that the pile poses no significant risk of violating any other District rule including the public nuisance rule. It is intended that the burden of proof will be on the operator.

Each operator of an open storage facility will be required to submit an Interim Petroleum Coke Storage Control Plan describing the steps that will be taken to construct enclosed structures and the interim measures that will be taken to mitigate any potential dust emissions until enclosed structures are constructed. If a plan cannot be approved, additional coke may not be added to the piles until approval is granted. The plan is the key to the goals of the rule, since a violation of any provision of the plan will be deemed a violation of the rule.

If the operator can demonstrate that compliance with the interim measures will likely prevent any violations of any other rules, the Executive Officer, after a public hearing, may approve the interim plan to be made permanent and exempt that facility from the requirement of enclosed storage. Such exemption shall be reviewed annually. The rule provides for a compliance schedule for constructing enclosed structures; it requires that construction begin by July 1, 1985, and compliance be assured by June 30, 1986.

In addition, the rule requires that trucks leaving the premises be washed and the loads watered, treated, or covered to prevent emissions. Furthermore, it requires the maintenance of certain records for review by the Executive Officer.

(b) Definitions

For the purpose of this rule:

- (1) Petroleum Coke is the solid carbonaceous residue remaining after all cracking and distillation of a petroleum refining operation.
- (2) Open Storage is the amassing and handling of solid material in an unconfined, uncovered pile.

- (3) Enclosed Storage is the containment of solid material in a structure or other article, contrivance, or device for which the Executive Officer has issued a permit to operate.
- (4) Facility is a parcel, that portion of a parcel, or parcels of land in actual physical contact or separated solely by a public roadway or other public right-of-way, on which petroleum coke is stored, and owned or operated by the same person (or by persons under common control).
- (5) New Facility is any facility not in operation on the date of adoption of this rule.

(c) **Requirements**

(1) **Coke Piles**

- (A) A person shall not store petroleum coke in the open after January 1, 1985, except as otherwise provided for in subparagraphs (c)(5) or (d) of this rule. In addition, an Interim Petroleum Coke Storage Control Plan must be filed with the Executive Officer and the appropriate city or county Planning Department within 30 days of the passage of this rule delineating the steps that will be taken to construct enclosed storage structures, and describing the interim measures that will be taken to mitigate any potential dust emissions. The Executive Officer shall notify the applicant within 60 days after filing of the Plan of his approval, conditional approval, or disapproval, or whether additional time to submit information is required, and grant additional time to submit the information, if necessary. A person shall not add petroleum coke to any open storage pile after an Interim Petroleum Coke Storage Control Plan is disapproved until the reasons for disapproval are overcome and such Plan as modified is approved, nor shall any person commence open storage of coke at a new facility, unless an Interim Petroleum Coke Storage Control Plan has been filed and approved as provided herein.
- (B) The Interim Petroleum Coke Storage Control Plan submitted for approval shall contain as a minimum the following information:
 - (i) A contour map showing the location of the coke storage facility, the locations of the coke piles, and the surrounding land use.
 - (ii) Coke pile details consisting of the maximum daily amount of coke stored within the facility, the average and maximum daily wind velocities at the top of the coke piles, and the maximum height and coke pile configurations.

- (iii) Mobile coke carrier details consisting of the type, size and maximum daily number of trucks; a description of the roadways used to transport the coke from the coke source to the facility to final destination, and the mitigation measures employed to contain the coke within open bed trucks.
 - (iv) Details describing the construction and operation of automatic truck washing systems.
 - (v) Details describing the construction and operation of a dust suppressant system for the coke piles.
 - (vi) Details describing the construction and operation of any permanent dust handling equipment and the associated dust control equipment within the facility.
 - (vii) Details describing the construction and operation of any existing or planned enclosed coke storage.
 - (viii) Details describing the type, number and use of mobile coke handling equipment operate on-site.
 - (ix) Housekeeping measures employed within and outside the facility to prevent fugitive coke dust.
 - (x) Details describing the type and method of use of any other mitigating measures employed to prevent the release of airborne coke dust, such as chemical suppressant systems, coke pile sealants, coke pile covers, and/or wind barriers.
- (C) Persons subject to the provisions of the Interim Control Plan shall maintain for one year daily records of the tonnage and maximum height of the piles and the daily throughput in and out, by truckloads, of petroleum coke and provide these records for review by the Executive Officer on request.
- (2) All trucks, whether filled or empty, shall be washed sufficiently and all loads shall be watered, treated, covered or otherwise protected to prevent coke from being dropped onto public or private thoroughfares.
 - (3) Failure to comply with any provision of the approved Petroleum Coke Storage Control Plan shall constitute a violation of this rule.
 - (4) Compliance with the provisions of this rule or of the provisions of the Petroleum Coke Storage Control Plan does not exempt a person from complying with the requirements of Section 41700 and 41701 of the California Health and Safety Code, Rules 401, 402, and 403 of these Rules and Regulations, or any other applicable law, statute, code, ordinance, rule, or regulation.
 - (5) In addition to the filing of the Interim Petroleum Coke Storage control Plan, a person constructing enclosed storage shall meet the following compliance schedule:

- (A) Negotiation and signing of contracts and submission of appropriate applications for permits to construct enclosed structures: January 1, 1985.
- (B) Initiation of construction: July 1, 1985.
- (C) Completion of construction: June 1, 1986.
- (D) Assurance of final compliance: June 30, 1986.

(d) **Exemptions**

If an operator of an open petroleum coke storage facility can demonstrate that compliance with the Interim Petroleum Coke Storage Control Plan is sufficient to pose no significant risk of violating any other District rule, the Executive Officer may, after a hearing to which all affected persons are invited, waive the requirement that coke at the storage facility be enclosed and order the Interim Plan be made permanent, subject to annual review. At least 30 days prior to the required hearing, notice of the hearing shall be publicized in such newspaper of general circulation as the Executive Officer shall prescribe and shall be mailed to any person who has requested such notice.

- (e) For the purpose of determining the appropriate processing fees only, the filing of a Petroleum Coke Storage Control Plan shall be considered the equivalent of filing an application for permit. The person submitting the Plan shall be assessed a filing fee and an engineering evaluation fee as described in Rules 301 and 301.1.
- (f) If any portion of this rule shall be found to be invalid or unenforceable, such finding shall have no effect on the validity and enforceability of the remaining portions of the rule, which are severable and shall continue to be in full force and effect.
- (g) The provisions of paragraph (a) are intended only to summarize Rule 1158 and to give guidance as to its interpretation. The provisions of paragraph (a) are not separate or distinct requirements, and if found to conflict with any other provision, there shall be no effect on the validity and enforceability of the rest of the rule.

[SIP: Approved 11/29/93, 58 FR 50851, 40 CFR 52.220(c)(184)(i)(B)(3); Approved 1/15/87, 52 FR 1627, 40 CFR 52.220(c)(153)(vii)(B)]